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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-ninth session

SUMMARY RECORD OF THE 1165th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 9 August 1996, at 3 p.m.

Chairman: Mr. BANTON

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SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Second, third, fourth and fifth periodic reports of Lebanon (CERD/C/65/Add.4)

1. At the invitation of the Chairman, the members of the Lebanese delegation took seats at the Committee table.

2. Mr. EL KHAZEN (Lebanon) said that, for compelling reasons, his country had been unable to submit its periodic report on time. However, he promised to submit a report reflecting the current situation within the next few months and asked the Committee to consider that report at its fiftieth session.

3. The CHAIRMAN said the Committee agreed to postpone consideration of the report of Lebanon, which it awaited with great interest, until its fiftieth session.

4. The Lebanese delegation withdrew.

Review of implementation of the Convention in States parties whose reports are overdue

Fiji

5. Mr. DIACONU (Country Rapporteur) said that the only documents available were the fifth periodic report, dated 1982 (CERD/C/89/Add.3), and the summary records of the 629th, 925th and 926th meetings, at which the Committee had considered implementation of the Convention by the State party in the absence of a delegation from that State.

6. It was clear that, with two main ethnic groups, Fijians and Indians, the country had a delicate demographic balance. The Indians, who had been in the majority in 1986, had emigrated in large numbers since the 1987 coup d'état.

7. The Constitution of 1990 had made changes in the electoral system, education, land ownership and the appointment of government officials that had jeopardized the equality of rights between the two communities. It must, therefore be determined whether those changes were intended to eliminate inequalities inherited from the colonial period and to introduce acceptable positive discrimination within the meaning of article 1 (4) of the Convention, or whether they constituted actual discrimination. However, the scope of those changes, particularly with regard to the electoral process and land ownership, was so broad that it was difficult to view them as positive discrimination.

8. It also seemed that the dialogue between the Government of Fiji and the Indian opposition within the framework of a joint parliamentary commission set up to amend the Constitution of 1990 - a dialogue echoed by the International Movement against All Forms of Discrimination and Racism - had not yet borne fruit. Serious problems had also arisen with regard to property law, since leases would expire in 1997 and over 83 per cent of the arable land belonged

to Fijian communities. Without sufficient information, the Committee could not examine those questions in depth from the standpoint of implementation of the Convention.

9. In becoming a party to the Convention, the Government of Fiji had entered reservations to certain essential provisions, particularly article 5 (c) on political rights, article 5 (d) (v) on the right to own property, and articles 2, 3 and 5 (e) with regard to the right to an education. Those reservations were incompatible with the goal and purpose of the Convention, but at the time no other State party had made an objection to them.

10. The Committee must therefore convey to the State party that it was disturbed by the latter's lack of cooperation. It must also express its concern regarding implementation of the Convention, particularly in the areas of political rights and access to economic resources and education. Lastly, the Committee should state that it was prepared to discuss and consider the report, and any other information communicated to it, with representatives of the State party.

11. Mrs. SADIQ ALI said that political, social and racial tensions in Fiji had prompted the emigration of Indians in large numbers. According to statistics for January 1989, the Fijians had become the majority of the population and, in May 1994, the Minister of the Interior had asked the Indians who had left the country to return. Another crisis was brewing with the upcoming expiry of the leases held by Indian farmers on land belonging to Fijians. At the political level, the new Constitution, promulgated on 25 July 1990, had been immediately criticized for its racist nature, not only by the coalition of Indian parties in Fiji, but also by India, New Zealand and Australia at the session of the General Assembly held in October of that year. In May 1991, the Secretary of the Commonwealth had stated that Fiji would not be readmitted to that organization unless it amended its Constitution. The situation had only worsened with the May 1992 elections, and the hopes raised by the coalition Government of Prime Minister Rabuka had been dashed. Furthermore, the plan to facilitate the settlement in Fiji of Chinese nationals from Hong Kong, approved by the Government in January 1995, could only exacerbate social tensions.

12. Lastly, it should be made clear that, while education was not compulsory in Fiji, 95 per cent of the children of that country had been enrolled in school as of 1992. The first eight years of schooling were free and, thereafter, scholarships were available. In 1991, 23.8 per cent of the total budget had been allocated to education.

13. Mr. van BOVEN said that the Committee was being forced to examine the situation in Fiji for the second time on the basis of a very old report. During the Committee's previous consideration of that situation, in 1991, it had been noted that racial discrimination seemed to be institutionalized in Fiji, just as apartheid had been in South Africa. The recent information on the matter provided by Mr. Diaconu and Mrs. Sadiq Ali was far from reassuring. Furthermore, given the fact that Fiji's reservations concerning certain provisions of the Convention, referred to by Mr. Diaconu, seemed unacceptable, the Committee could not merely invite the Government of Fiji to resume

discussions as it had done in 1981. He therefore thought that the Government should be informed that, unless it submitted a new report for the Committee's next session in March 1997, its situation with regard to implementation of the Convention would be considered in accordance with the urgent procedure.

14. Mr. WOLFRUM said that the persistence of institutionalized racial discrimination in Fiji did indeed justify energetic action; he suggested that Mrs. Sadiq Ali should informally contact the Government of her country, India, in order to see if it would be prepared to follow the procedure described in article 11 of the Convention with regard to Fiji.

15. Mr. ABOUL-NASR said that, in the case in point, the problem was threefold: the absence of a report, the persistence of an alarming situation and the State party's failure to cooperate. Fiji was a very small country, and one of its principal resources came from sending troops for United Nations peace-keeping operations. It had only a small Mission in New York to service its participation in the General Assembly, and it had no mission in Geneva. The most the Committee could do, therefore, was to send the General Assembly a recommendation describing the situation; it would be useless to go any further. No State party had raised an objection when Fiji had formulated its reservations to the Convention; with regard to communications received from individuals under article 14 of the Convention, the Committee could only bring such communications to the attention of the State party concerned and ask what internal remedies were available. However, it would be injudicious to inform the State party that its case would be examined under the urgent procedure, as Mr. van Boven had suggested.

16. Mr. van BOVEN said that if the Committee simply expressed its dissatisfaction to the General Assembly, it would convey the impression that it was giving up. After all, it must be remembered that the Government of Fiji was extremely late in submitting its reports and that the situation in that country was very disturbing. While recourse to the procedure provided for in article 11 of the Convention, to which Mr. Wolfrum had alluded, was a distinct possibility, Governments had other more flexible and expeditious means than those described in that article of reacting to problems that arose in other countries. If the Committee simply sent a recommendation to the General Assembly, it was not certain that the Assembly would act on it since the country in question was a very small one. He therefore maintained his view that the Committee should clearly inform the State party concerned that if it did not communicate information in another report, the Committee would not hesitate to take the necessary action.

17. Mrs. SADIQ ALI drew attention to the fact that India had no Embassy in Fiji. Under those circumstances, it was difficult to see how Mr. Wolfrum's suggestion could be followed up.

18. Mr. SHAHI considered that, by not meeting their obligations under the Convention, the Fijian authorities were in a sense defying the Committee. The most obvious solution would be for the Committee to have recourse to the procedure provided for in article 11, and India was certainly in the best position to act within that framework. Failing recourse to article 11, the Committee could adopt Mr. van Boven's suggestion and warn the Government of Fiji that, if it had not received a new report for its March 1997 session, it

would consider the case within the framework of the urgent procedure, possibly requesting the Secretary-General of the United Nations to bring the situation to the attention of the Security Council. However, before reaching that point, it would be preferable to explore the options offered by article 11 and to discuss with Mrs. Sadiq Ali how the Indian Government might intervene.

19. The CHAIRMAN said that he objected to the practice in force at the time of the League of Nations whereby article 11 of the Convention had been invoked by a State having ties with the oppressed minority. Altruistic action by any other State, such as that which had led to the suspension of Greece from the Council of Europe, might be effective.

20. Mr. WOLFRUM considered that the Committee was faced not only with a State that was late in submitting its report, but with a State where the majority of the inhabitants could not participate in public affairs because of their ethnic origin. That situation was unacceptable and, in his opinion, sanctionable under the Committee's urgent procedure; the Committee had an emphatic duty to deal with situations in which ethnic tensions could degenerate into a major conflict. Neither the Security Council nor the General Assembly would take action on an appeal from the Committee concerning a small country like Fiji. It was for the Committee to act and, if it chose to do so under article 11, it could endeavour to convince any country, even one without an embassy in Fiji, although India seemed to be the country in the best position to initiate that procedure.

21. Mr. AHMADU said that, Fiji was far from being the only country that was late in submitting its report and furthermore, since racial segregation there was not institutionalized as it had been in South Africa - there even seemed to have been a slight improvement in the situation, it was inappropriate to place the two countries on the same footing.

22. It would be recalled that Fiji had seemed unconcerned by its expulsion from the Commonwealth in 1988. The Committee would be more likely to be taken seriously if it communicated in writing with the Minister for Foreign Affairs or the Minister of Justice of that country.

23. Mr. DIACONU agreed that the experts did not know how the current situation in Fiji differed from that which had existed prior to the Constitution. The Committee should attempt to obtain information from the State party, and not only from India as at present, and to discuss that information with the representative of Fiji, so as not to transform the urgent procedures into procedures applicable to States which were late in submitting their reports.

24. The CHAIRMAN said that that view had already been discussed during the consideration of the situations in Mexico and Algeria and had been rejected because the purpose of the urgent procedures was precisely to enable accurate information to be obtained.

25. Mr. DIACONU observed that the situation in the two countries that had just been mentioned, which were characterized by military conflict, had nothing in common with the situation in Fiji.

26. Mr. CHIGOVERA said that, after reading articles in a Fijian publication, he was convinced that, while things were far from well in Fiji, the situation was not critical. According to that publication, the opposition seemed to have won at last and a commission had been set up to revise the Constitution of 1990. Furthermore, all Fijians would henceforth be considered as full citizens. It did not, therefore, seem appropriate to initiate urgent procedures with regard to Fiji.

27. Mr. RECHETOV said there appeared to be three points of view within the Committee. Some felt that the situation in Fiji was similar to apartheid and was, therefore, a crime against humanity, which was a matter not for the Committee but for the Security Council. Others thought that the ethnic conflict in that country was serious and threatened to degenerate, while a third group considered that the situation was not very serious.

28. In his opinion, since appeals to the Office of the Secretary-General produced no results, a fact which encouraged the States concerned to continue as before, the Committee should take a special decision requesting Fiji to submit a report. It would also be desirable for the Committee to draw the State's attention to its concerns through its Minister for Foreign Affairs.

29. Mr. ABOUL NASR said there was no consensus on the idea of threatening Fiji with recourse to the urgent procedures. He did not think that that small State, whose problems were far less urgent those of other States with which the Committee did not concern itself, should receive the full force of the Committee's attack.

30. Mr. de GOUTTES said he thought that the Committee would have done better to spend part of the time that it had just devoted to considering the case of Fiji - about an hour and a quarter - to India or China.

31. He supported the solution suggested by Mr. Van Boven, namely that Fiji should be asked to submit a report to be considered in March 1997, without mentioning any urgent procedure.

32. The CHAIRMAN suggested that the discussion on Fiji should be closed and that Mr. Diaconu be requested to draft the Committee's conclusions on that State.

33. It was so decided.

Togo

34. The CHAIRMAN, suggested that, since Togo had not submitted any report since its initial report (CERD/C/75/Add.12) and that report had been considered by the Committee at its 640th, 641st and 924th meetings, the procedure previously followed for three other States should be copied; in other words, a purely formal solution should be adopted, without real discussion, noting the absence of a report and inviting the State to resume the dialogue.

35. Mr. AHMADU (Country Rapporteur) suggested that, since even high-level officials might be unaware of their countries's treaty obligations, all

countries that had acceded to the Convention should be urged to bear in mind the obligation to prepare reports and the secretariat should give wide publicity to the Convention.

36. Togo had not submitted a report in five years, which was not to its advantage since its situation was far better than that of some countries which were submitting their reports. It must be said in Togo's defence that the country was working hard to finish drafting its Constitution, the fourth in its history, that the various powers had not yet been clearly distributed and that officials, who often had little experience with human rights, did not remain in their posts for long and were, therefore, often obliged to leave a task unfinished. He suggested that Togo should call upon the Centre for Human Rights to help it to overcome those obstacles.

37. Since the submission of its previous report, Togo had taken several steps, particularly the lifting of the state of emergency and the strengthening of its Human Rights Commission and Ministry of Human Rights, which the Committee should certainly welcome. Furthermore, the Togolese Government considered that the country's legislation provided adequate protection against tensions such as those between the various ethnic groups in the power struggles which they had embarked upon in the name of democracy. However, that did not exempt the State party from sending periodic reports to the Committee.

38. Nevertheless, while it was normal for the Committee to attempt to ensure that countries reported regularly and promptly, he wondered if the Committee itself should contact the competent ministries. That seemed to him to be the secretariat's responsibility. In the case of Togo, which had set up all the requisite institutions and where the worst that could be said of human rights law was that it was somewhat unsystematic, all that was lacking was the will to start work and outside encouragement.

39. The CHAIRMAN announced that the secretariat would prepare draft conclusions on Togo, which it would transmit to Mr. Ahmadu for completion of the final version.

40. Mr. de GOUTTES drew the Committee's attention to the human rights training seminar that had recently been organized in Lomé by the Centre for Human Rights. That seminar had been held for all Togolese officials, and the practical exercises it had included had been extremely beneficial. Certain negative aspects of the situation of human rights had been brought to light, for example, the persistence of racial and ethnic tensions and even certain human rights violations, such as intimidation of activists or imprisonment for holding a particular opinion. But there were also positive aspects to be borne in mind: the existence of a National Human Rights Commission (in that regard, the Committee should perhaps stress the importance of restoring that Commission to its full effectiveness), the lifting of the state of emergency, the existence of several active non-governmental organizations (NGOs), and the Government's willingness to prepare to submit periodic reports and to take more account of the human rights conventions.

41. He hoped that the seminar would result in a new periodic report to be submitted to the Committee.

42. The CHAIRMAN said that, in the absence of a report, the Committee had thus completed its consideration of implementation of the Convention in Togo.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

Organization of the work of the Committee

43. Mr. YUTZIS asked when the Committee would be able to consider the question of the way in which it had spent its time during the current session.

44. The CHAIRMAN said that the Bureau intended to submit, during the third week, a suggestion on how time should be allocated at the next session. Members would doubtless wish to use the experience gained during the current session in taking a decision in that regard. They would, therefore, have the opportunity to express their opinions on the use of time during the current session. If Mr. Yutzis wanted a specific discussion to be devoted to that matter, he (the Chairman) would discuss the possibility of doing so with the Bureau.

45. Mr. YUTZIS said that the Committee should not continue to function during the second week as it had done thus far. With the Chairman's permission, he wished to make a number of observations.

46. While he realized that it was impossible to work without a previously established schedule and that it was important to keep to the time-limit set, he nevertheless thought that what had happened during the current session was jeopardizing not only the form, but the very nature of consideration of certain matters. As Mr. de Gouttes had pointed out, the Committee had just spent nearly 1 hour and 20 minutes on Fiji, but had been unable to give certain matters connected with India and China the attention they deserved. In the case of India, the explicit expression of the representative of the State party's willingness to explore certain matters with the Committee in greater depth had not been taken into consideration. In the case of China, it was thanks to the sincerity and courage of the delegation that it had been possible to deal with a substantive question regarding the use of sources of information. Thus, timing and organizational matters were taking precedence over the intrinsic importance of the questions to be considered. That situation was creating a climate and tensions prejudicial to the work of the Committee.

47. He therefore asked the Chairman to be a little more flexible than in the past in order to ensure greater equity in the treatment of matters submitted for the Committee's consideration.

48. Mr. ABOUL NASR said he fully shared the view expressed by Mr. Yutzis and wished to make two additional comments. First, he thought it would be premature to consider the Committee's programme of work for its next session: he would prefer the Committee to discuss what it would do the following week. Secondly, it was not the Bureau's job to take decisions for the Committee: the Bureau proposed and the Committee disposed. The Committee needed greater flexibility in its work. In his opinion, much of the afternoon had been

wasted. The Committee could have been provided with a list, drawn up by the secretariat, of countries that had been late in submitting their reports and devoted only a minute to taking a decision on them.

49. Mr. de GOUTTES said that, while he recognized that the Chairman's job was not an easy one, he shared the opinion expressed by Mr. Yutzis and Mr. Aboul Nasr. Flexibility was essential in view of the importance of the situations in question. The consideration of reports was the Committee's primary task, and it was important not to give delegations the impression that it was hurrying that process. He feared that such had been the case with the consideration of the reports of India and China.

50. Mr. WOLFRUM said he shared the opinions expressed by the three previous speakers. The Committee had not had the in-depth discussion with the Indian delegation that was called for by the concept of caste, even though that delegation had been eager to prolong the discussion. The Committee must avoid disappointing delegations. The consideration of reports was the Committee's only way of changing the situation in a country. Similarly, the Committee had been unable to engage in an appropriate exchange of views with the High Commissioner for Human Rights, and he hoped that another meeting with the High Commissioner would be possible.

51. The Committee must realize that a great deal of time was needed for the preparation of a written report and an oral statement. When a country had made that effort, it was scarcely proper to grant its delegation only a brief period of attention. The Committee should, therefore, spend as little time as possible on "other matters" in order to set aside all the time needed for exchanges of views with States.

52. Mr. AHMADU said he fully shared the opinions expressed by the four previous speakers.

53. Mr. DIACONU said he, too, thought that the Committee needed more time for the consideration of some reports than for others. However, it must also be recognized that there were increasing numbers of reports to be considered - which was a good thing - and that the Committee did not and never would have more time. Under those conditions, how could it carry out its task? The only way to do so was for the members of the Committee to be more disciplined, re-read the Convention and refrain from raising questions that did not fall within its mandate. It was normal for the Chairman to try to organize the work of the Committee, but each member must also attempt to be understanding and disciplined.

54. Mr. RECHETOV said he found the present discussion very useful and timely. The Committee did, indeed, seem to be forgetting what its work was. It adopted new procedures, such as early warning and urgent procedures, and took decisions, all without much in the way of concrete results. On the other hand, it was devoting less and less time and attention to the areas that really fell within its mandate. After submitting their reports, States might ha.e the impression that the Committee did not have time to discuss those reports with them. Those discussions were extremely important since they enabled the Committee to obtain information, form a well-founded opinion and,

on that basis, hold exchanges of views with States. He therefore appealed to all members to let the Committee give all due importance to its primary task: the consideration of reports. Everything else was secondary.

55. In his opinion, the Committee's meeting with the High Commissioner for Human Rights had been a disappointment. The High Commissioner had been 40 minutes late for his meeting with the Committee, and no really important question had been raised. Of course, such meetings were not the crux of the Committee's work, but it was important that maximum benefit should be derived from them.

56. Mr. CHIGOVERA said that it was obviously necessary to define more clearly the functions of the Bureau, particularly with regard to the organization of the Committee's work. The Committee needed more time to consider reports but, in order to do so, it needed guidance from the Bureau.

57. As Mr. Yutzis had said, it was impossible to work without a previously established schedule. It was important for the Committee to consider each report within the scheduled period in order to ensure equal treatment of all reports. Furthermore, the longer a speaker talked, the more he infringed on the right of others, whether members of the Committee or of delegations, to express their views. The question at present was to determine whether the discussion of the work of the next session, which had been scheduled for the third week, was really required for the rest of the current session and whether it would not be better to devote more time to the consideration of reports.

58. The CHAIRMAN thanked Mr. Yutzis for having raised important questions. First, with regard to the functions of the Bureau, he fully shared the opinion expressed by Mr. Aboul-Nasr. Secondly, with regard to the number of reports scheduled for consideration at the current session, he asked the members of the Committee who had not been present at its 1155th meeting, the last of the forty-eighth session, to refer to the summary record of that meeting. Four or five members of the Committee had pressed for the addition of Cambodia, Pakistan, Guatemala and Panama to the list of countries whose reports would be considered (fortunately, those reports had not been submitted or had been withdrawn). That decision had doubtless been a formality, but no Committee member had objected to it. He had therefore been within his rights in assuming that it corresponded to the Committee's wishes, and he had merely acted accordingly. Thirdly, as Mr. Chigovera had stated, the question of the time allotted to each report was becoming increasingly urgent. It was, therefore, all the more important for the decision on that question to be taken by the Committee as a whole.

Meeting with the High Commissioner for Human Rights

59. Mr. de GOUTTES, summarizing his conversation with the High Commissioner for Human Rights, Mr. Ayala Lasso, that the discussion had first dealt with the general questions raised by Mr. Ayala Lasso at his meeting with the Committee. In that regard, he had informed the High Commissioner that, for the Committee to carry out its task in an appropriate manner, it must have all the necessary documentation at its disposal and that, for that reason, he was opposed to any kind of restriction in that respect. On the question of the

grouping of the various reports submitted by States to treaty bodies in a single document, he had informed the High Commissioner that the Committee w continuing its consideration of the matter and had not yet taken a decision

60. The conversation had then turned to the situation in Burundi. In tha regard, he had informed the High Commissioner that the Committee had appreciated the information communicated to it concerning the human rights observers' report and the supplementary information provided by Mr. Ayala Lasso. He had stressed the importance that the Committee attache to direct and regular discussions with the High Commissioner. After drawin Mr. Ayala Lasso's attention to the Committee's statement on Burundi, the te of which had been communicated to the High Commissioner, he had emphasized that, in the case of Burundi as in that of other countries, the Committee h always taken care to make a specific contribution.

61. In reply to those expressions of concern, Mr. Ayala Lasso had said th he, too, thought it was important to maintain regular contact with the Committee and that, if necessary, he would be willing to engage in another exchange of views before the end of the current session. With regard to Burundi, he had stated that he hoped the presence of human rights observers that country would be maintained and that he had even requested an increase their numbers.

62. Mr. Ayala Lasso, had then dealt with questions which had been left unanswered at his meeting with the Committee. In reply to a question by Mr. Sherifis concerning efforts to be made to induce all States to ratify t international human rights instruments, the High Commissioner had replied t a seminar on that question had been organized in Addis Ababa for African States and that another, targeting States in Asia and the Pacific, would be held in Amman from 23 to 26 September 1996. In reply to a second question Mr. Sherifis, concerning the effective implementation by States of the recommendations of the various treaty bodies, Mr. Ayala Lasso had stressed difficulties encountered by all the Committees. In that regard, he had not that a survey had shown that there was a marked imbalance between recommendations made and measures taken to give effect to them. It had bee decided that, if the necessary resources were available, a study would be devoted to that question within the framework of the Committee on the Right of the Child. In the light of the conclusions of that study, the experienc might later be extended to all treaty bodies.

63. The High Commissioner had also mentioned the sensitive question of refugees and the rights of persons whose property had been expropriated. I that regard, he had said that the problem had been studied in the context o Rwanda and the former Yugoslavia and that his office was continuing its consideration of the matter, which had been drawn to the attention of all t competent United Nations bodies. He had stressed the need to ensure coordination of all United Nations initiatives in that area.

64. Lastly the High Commissioner had raised the question of Kosovo. In t regard, he had stated that he had taken note of the Committee's desire to initiate a new project with a view to following up the earlier good offices

mission. Anxious to avoid duplication, he had asked the Committee to ensure that any action on its part was coordinated with the many other ongoing projects concerning Kosovo.

65. Mr. SHAHI considered it urgent for the Committee to organize another meeting with the High Commissioner for Human Rights, particularly since the earlier meeting had been devoted almost entirely to the question of the lack of resources and it had not been possible to take up document E/1996/87, which dealt with the situation in a number of countries, including Bosnia and Herzegovina, Croatia, Rwanda and Burundi. In that regard, it was important for the Committee to make appropriate preparations for that meeting in order to ensure a fruitful discussion. With regard to Bosnia and Herzegovina, the question was what the situation in that country would be once the mandate of the Multinational Military Implementation Force (IFOR) ended. Was there not a risk of escalation?

66. Mr. WOLFRUM agreed with Mr. Rechetov and Mr. Ahmadu that the Committee should undertake another mission to Kosovo as soon as the political situation there made it possible to do so.

Other documents

67. The CHAIRMAN drew attention to a letter (document without a symbol, distributed at the meeting in English only) in which the Central Council of German Sinti and Roma complained that Spain, Romania and the Council of Europe were using discriminatory language to designate the Sinti and Roma minorities.

68. He also drew attention to three other documents without symbols, distributed in English only and not intended for immediate consideration: the draft document concerning the proposal that the Committee should be represented at the meeting of treaty bodies on the question of the grouping of the various reports of States parties into a single report; Mr. Garvalov's draft recommendation on restrictions on the translation of reports submitted by States parties to the Committee; and the draft document on country rapporteurs.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION (agenda item 7)

69. Mr. HUSBANDS (Secretary of the Committee) drew attention to a document without a symbol, issued in English only, containing the list of States parties whose periodic or initial reports were five or more years overdue. Three of those countries, Uganda, Afghanistan and Nepal, had not yet submitted a report even though letters had been sent to inform them of the procedure that the Committee intended to adopt in those cases. The other countries whose periodic reports were five or more years overdue were the Seychelles, Ethiopia, Argentina, the Libyan Arab Jamahiriya, the Niger, the Philippines, the Federal Republic of Yugoslavia (Serbia and Montenegro), Rwanda, the Dominican Republic, Cameroon, Mongolia, Burundi, the Netherlands, Cuba and Jordan. The Committee had not yet contacted those countries. As to Portugal, which appeared on the above-mentioned list, its report would not be five years overdue until 22 September 1996. Eight other countries (Liberia, Guyana,

Suriname, the Congo, Antigua and Barbuda, Mauritania, Saint Lucia and Bahrain) had not yet submitted their initial reports although they should have done so five or more years previously.

70. The CHAIRMAN asked the members of the Committee to say what procedure they wished to adopt in that regard.

71. Mr. WOLFRUM said he did not think there was any reason for the Committee not to proceed as it had done in the past.

72. Mr. DIACONU said that, while he agreed with Mr. Wolfrum, it would be presumptuous to expect countries like Rwanda, Afghanistan and even Burundi to submit their reports. On the other hand, other countries, such as Nepal, Uganda, the Seychelles. Ethiopia and Argentina, could fulfil that obligation quite rapidly.

73. Mr. WOLFRUM noted that the situation in Rwanda and Burundi was already on the Committee's agenda and that nothing would be changed by including those two countries in the list of States whose reports were overdue.

74. The CHAIRMAN said that, if there was no objection, he would take it that the members of the Committee wanted Argentina to kept on the list of countries whose reports were long overdue.

75. It was so decided.

76. Mr. RECHETOV reminded the Committee that the majority of newly-independent States that had been part of the former Soviet Union had been parties to the Convention since 1991 by succession or accession. However, with the exception of Ukraine and Belarus, which had had a different status in the former Soviet Union, none of those States had submitted a report to the Committee. It would be useless to have recourse to the urgent procedures on the matter. The Committee might simply write to those States individually, inviting them to submit an initial report pursuant to article 9 of the Convention. Such a measure should make it possible to begin the process of submission of reports for all the States concerned.

77. Mr. CHIGOVERA said that, while the case of the above-mentioned States did not call for recourse to the urgent procedures, he wondered why the Committee did not simply apply to them the same procedure as that followed with regard to States whose reports were five or more years overdue. In that regard, he drew attention to the case of Estonia, which had been a party to the Convention since 1991. In a report submitted to the Human Rights Committee, that State had addressed the problem of minorities, which obviously fell within the ambit of the Committee on the Elimination of Racial Discrimination. In that case, the Committee should have contacted the State party and requested it to meet the obligation incumbent on it pursuant to article 9 (1) of the Convention.

78. Mr. WOLFRUM noted that, while the Committee had every right to request States parties to the Convention whose reports were overdue to fulfil their obligations, the situation was quite different with regard to States which, like some States from the former Soviet Union, were not parties to the Convention.

79. After an exchange of views in which Mr. WOLFRUM, Mr. DIACONU, Mr. AHMADU and Mr. CHIGOVERA took part, the Committee decided to send newly-independent States that had been part of the former Soviet Union and had not yet acceded to the Convention a letter inviting them to do so.

The meeting rose at 5.50 p.m.